

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Jason W. Myatt
Direct: +1 212.351.4085
Fax: +1 212.351.6253
JMyatt@gibsondunn.com

MEMO ENDORSED

August 10, 2023

VIA ELECTRONIC FILING

The Honorable Jessica G. L. Clarke
United States District Court
Southern District of New York
Daniel Patrick Courthouse
500 Pearl St.
New York, NY 10007

Re: Monsoon Blockchain Storage, Inc. v. Magic Micro Co., Ltd., Case No. 22-cv-3114

Dear Judge Clarke:

We write on behalf of Petitioner, Monsoon Blockchain Storage, Inc. (“Monsoon”), in the above captioned action to respectfully request that Petitioner be excused from the “overnight” service requirement under the Court’s July 13, 2023 order, ECF No. 12, (the “Order”). Respondent is located in the Republic of Korea and Monsoon has been unable to identify a courier service capable of completing next-day delivery of Petitioner’s papers. Accordingly, we respectfully ask that this Court permit Monsoon to complete physical service via Federal Express’s fastest available courier service. As previously directed, Monsoon will serve its papers electronically on August 10, 2023.

Respondent, Magic Micro Co., Ltd (“Magic Micro” or “Respondent”) is a Korean company with its principal place of business in Ansan-si, Republic of Korea. Pursuant to the Convention of 15 November 1965 on the Service of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the “Hague Service Convention”), Petitioner effectuated service of process on Magic Micro through the Korean Central Authority on August 4, 2022.¹ See ECF No. 8. For over a year, Respondent has failed to appear in this action.

¹ Specifically, Petitioner served English copies and Korean translations of the Request for Service Abroad of Judicial or Extrajudicial Documents, Petition to Confirm Arbitration Award (ECF No. 1), the Civil Cover Sheet (ECF No. 2), the Corporate Disclosure Statement (ECF No. 3), the Summons (ECF No. 4), the Notice of Petition to Confirm Arbitration Award (ECF No. 5), the Declaration of Jason W. Myatt in Support of Petition for Confirmation of Arbitration Award (ECF No. 6), Exhibits 1-7 (ECF Nos. 6.1 – 6.7), and the Signed Summons (ECF No. 7).

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By virtue of Magic Micro's default, there is no counsel in this action able to accept service on Magic Micro's behalf. While Petitioner will initiate service by courier on August 10, 2023, as contemplated by the Order, given the absence of a U.S. service address, it is impossible for Petitioner to effectuate physical service "overnight" to Magic Micro in the Republic of Korea as contemplated by the Order. Petitioner understands the fastest possible courier service should take approximately 3 business days to deliver the papers to Magic Micro in the Republic of Korea. Petitioner will serve Respondent electronically within the time frame currently contemplated by the Order.

Accordingly, Petitioner respectfully requests that the Court excuse the "overnight" service requirement under the Order and allow Petitioner to effectuate physical service on Respondent by Federal Express International Priority or comparable fastest possible courier service.

Respectfully Submitted,

/s/ Jason W. Myatt

Jason W. Myatt

cc: All Counsel of Record (Via ECF)

Petitioner is hereby EXCUSED from the next-day service requirement. *See* ECF No. 12. Petitioner is hereby ORDERED to effectuate physical service on Respondent of this Order, the Court's Order of July 13, 2023, and the Petition to Confirm Arbitration Award and all supporting papers, no later than **August 18, 2023** and shall file an affidavit of such service with the court no later than **August 21, 2023**. All other deadlines shall remain in effect as previously ordered.

The parties are reminded that, per the Court's Individual Rules, requests for extensions must be made at least 48 hours prior to the deadline.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: August 11, 2023
New York, New York